EXHIBIT 3 FILED UNDER SEAL

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1			
1	and I would believe you. I don't really know for	1	A Again, this is it's kind of overloaded. A
2	Android.	2	little less overloaded than most. But in the
3	BY MR. PAK:	3	concept of the Living Room ecosystem, Kabuki is
4	Q For iOS, was there a migration that happened	4	generally the term that is used to describe the
5	from Cast V2 to Cast V3? 10:49:01	5	YouTube app that runs on television. And I say 10:53:11
6	A For iOS, there was.	6	generally because sometimes people sometimes
7	Q Do you know when that migration was	7	people don't understand that there's a distinction
8	completed?	8	between the binaries that we saw in the other
9	A Probably roughly, I could probably think	9	slides. And they call everything Kabuki. So that's
10	about it, yeah. So maybe like I don't how 10:49:32	10	why I say, like, generally. But I understand it to 10:53:30
11	about this? This work was done for iOS. I don't	11	mean a single binary that runs on television.
12	know specifically when. But this work was done for	12	Q So I want to look at the same slide we've
13	iOS.	13	been looking at, PDF page 7 of Exhibit 25. That
14	Q Do you know the general time frame of when it	14	diagram.
15	might have been completed? 10:50:13	15	A So I'm there. 10:53:59
16	A I'm a little hesitant because I don't really	16	Q Do you know what cast SDK version is running
17	know exactly when.	17	on the cast receiver devices?
18	Q Do you know what year?	18	A That, I don't know, no. No, I don't know
19	A Like, I'm not even sure about that, honestly.	19	that at all.
20	I would have to look. I could look somewhere and 10:50:41	20	Q Was there a migration that happened from Cast 10:54:28
21	find out. I don't know. But I can tell you that	21	V2 to Cast V3 on the receiver side as well?
22	this was done for iOS. I can't tell you with	22	MR. KAPLAN: Object to form. Speculation.
23	confidence when.	23	THE WITNESS: I don't know. I can say not
24	Q Did the migration from Cast V2 to Cast V3	24	that I was aware of, not that I'm aware of. But I
25	scratch that. 10:51:06	25	don't know. 10:54:50
	Page 58		Page 60
1	Has the migration been completed to migrate	1	BY MR. PAK:
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1 MR. KAPLAN: I'll give you the same caution. 2 THE WITNESS: I'm - that's not a - that's 3 not a domain in the code where I spend time. So, 4 like, I'm not well versed in that side of the 5 communication channel. 01:41:42 6 BY MR. PAK: 7 Q So is if fair to say you're unfamiliar with 8 any messaging that is exchanged between the MDX 9 session server and the cast receiver? 10 A Yes. 01:41:52 11 MR. PAK: Okay. I have no further questions. 12 MR. KAPLAN: 01:41:52 13 break? I'd just like to check my notes. I may have 14 a few. 15 MR. PAK: Sure. 01:42:13 16 THE VIDEOGRAPHER: Going off the record. The 1 time is 1-49. 17 HE VIDEOGRAPHER: We're back on the record. The 1 time is 1-49. 18 (Recess.) 19 THE VIDEOGRAPHER: We're back on the record. The 1 time is 1-49. 21 EXAMINATION 22 EXAMINATION 23 BY MR. KAPLAN: 02 24 Q Mr. Mills, I just have a few questions for 22 c-mail? 25 you. 10 Could you open up Estibit 1040, which I just 2 entered into the exhibits folder. 26 by Mr. KAPLAN: 03 27 Emily MR. KAPLAN: 04 28 Centered into the exhibits folder. 29 Mr. PAK: Objection. Calls for speculation. 20 the time is 1-49. 21 Could you open up Estibit 1040, which I just 2 entered into the exhibits folder. 22 Examination of the remote queue. 23 BY MR. KAPLAN: 04 24 Q Mr. Mills, I just have a few questions for 25 electronically and is attrached hevero.) 01:50:12 25 Dyou recognize Estibit 1040 as me-mail 6 chain between you and others at Google: 1 26 BY MR. KAPLAN: 1 27 Q Do you recognize Estibit 1040 as no -mail 6 chain between you and others at Google: 1 28 BY MR. KAPLAN: 1 29 Q That second to last paragraph in Exhibit 1040 as leading of Estibit 1040 as me-mail 7 truncmbered, which was that the remote queue could be 8 stored. 1 28 BY MR. KAPLAN: 01:50:42 29 MR. PAK: Objection of the remote queue is stored? 1 29 MR. PAK: Objection of the remote queue is stored? 1 20 Why was that? 2 21 BY MR. KAPLAN: 1 22 Q Why was that? 2 23 BY MR. KAPLAN: 1 24 Q Mr. PAK: Objection of the term of the second page 1 25 Dy you see that? 2 26 Used version o				7 7 7 7 7 7 7 7 7 7 7 7 7 7 7 7 7 7 7 7
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9 MR. PAK: Objection to form. Out of scope. 10 THE WITNESS: Yes. 01:50:27 11 BY MR. KAPLAN: 12 Q If you could please turn to the second page 13 of Exhibit 1040. 14 MR. PAK: Marc, I don't want to intrude here, 15 but I never introduced this during my deposition. I 01:50:43 16 just want to note that it's completely out of scope. 17 MR. KAPLAN: 18 BY MR. KAPLAN: 19 Q That second to last paragraph in Exhibit 1040 19 MR. PAK: Same objection. 20 begins: 01:50:54 21 "Second, it may have to do with 22 the fact that receivers can retain a 23 local version of the remote queue." 24 Do you see that? 25 A I see that. 20 01:50:55 21 "Second. The WITNESS: Yes. 01:50:55 21 Use of the with the second page 11 Hearsay. 11 Hearsay. 12 BY MR. KAPLAN: 13 Q Do you know where the remote queue is stored? 14 A Yes. 15 MR. PAK: Objection. Leading. Out of scope. 01:52:34 16 BY MR. KAPLAN: 17 Q Where is it stored? 18 A It's stored on the MDX servers. 19 MR. PAK: Same objection. 20 BY MR. KAPLAN: 01:52:45 21 Q When you wrote that "receivers can retain a 22 local version of the remote queue," was that based 23 on your personal knowledge of the receiver 24 operation? 25 MR. PAK: Same objections. 01:52:55	7	Q Do you recognize Exhibit 1040 as an e-mail	7	remembered, which was that the remote queue could be
10 THE WITNESS: Yes. 01:50:27 11 BY MR. KAPLAN: 12 Q If you could please turn to the second page 13 of Exhibit 1040. 14 MR. PAK: Marc, I don't want to intrude here, 15 but I never introduced this during my deposition. I 01:50:43 16 just want to note that it's completely out of scope. 17 MR. KAPLAN: 18 BY MR. KAPLAN: 19 Q That second to last paragraph in Exhibit 1040 20 begins: 20 BY MR. KAPLAN: 21 "Second, it may have to do with 22 the fact that receivers can retain a 23 local version of the remote queue." 24 Do you see that? 25 A I see that. 21 On MR. PAK: Objection. Sorry. Objection. 01:52:27 21 Hearsay. 21 BY MR. KAPLAN: 22 BY MR. KAPLAN: 33 Q Do you know where the remote queue is stored? 44 A Yes. 45 MR. PAK: Objection. Leading. Out of scope. 01:52:34 46 BY MR. KAPLAN: 47 Q Where is it stored? 48 A It's stored on the MDX servers. 49 MR. PAK: Same objection. 40 BY MR. KAPLAN: 40 When you wrote that "receivers can retain a 22 local version of the remote queue," was that based 23 on your personal knowledge of the receiver 24 operation? 25 MR. PAK: Same objections. 01:52:55	8	chain between you and others at Google?	8	stored. But I was incorrect in where I said it
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25 A I see that. 01:51:01 25 MR. PAK: Same objections. 01:52:55	23	local version of the remote queue."	23	on your personal knowledge of the receiver
	24	Do you see that?	24	operation?
Page 123 Page 125	1			
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Case 3:20-cv-06754-WHA Document 778-8 Filed 05/30/23 Page 4 of 4 HIGHLY CONFIDENTIAL - ATTORNEYS' EYES ONLY

THE WITNESS: No. 1 don't work on the 2 marked is stabilit 1040 yearenty?				
BY MR. KAPLAN: 4 Q When you wrote the e-mail, was it based on 5 source code that you had reviewed? 6 MR. PAK: Same objections. 7 THE WITNESS: No. 8 BY MR. KAPLAN: 9 Q Was it based on documents that you had 10 reviewed? 11 EYMR-SS: No. 12 THE WITNESS: No. 13 BY MR. KAPLAN: 14 Q Just one last question. 15 The last sentence of the paragraph that we 16 were referring to reads: 17 "It sounds like the queue is 18 intentionally retained to guard 19 against flaky networks, but may be 10 retained for too long if the receiver 21 Sixt given the correct signal." 22 Do you see that? 23 MR. PAK: Same objections. Calls for 24 speculation. 25 THE WITNESS: Yes, I see that. 16 WITNESS: Yes, I see that. 17 MR. PAK: Same objection. 18 BY MR. KAPLAN: 19 Q Was the queue retained at the receiver at the 10 iting the witness was not will be a winess. 10 HE WITNESS: No. 11 BY MR. PAK: Same objections. 12 THE WITNESS: No. 13 Just an analysis of the seed of the paragraph that we 14 Ol;53:43 15 MR. RAPLAN: 16 Was the queue retained at the receiver of the paragraph that we 17 MR. PAK: Same objections. 18 BY MR. KAPLAN: 19 Q Was the queue retained at the receiver of the paragraph that we 19 Just on the last sentince of the paragraph that we 10 List an analysis of the server of the paragraph that we 11 BY MR. PAK: Same objections. 12 THE WITNESS: No. 13 Just on the last sentince of the paragraph that we 14 Just on the witness on to answer that question because it eveals the contents of a dark of attorney-client communications between contents of a dark of attorney-client communication between contents of a dark of a transportation to a part of the witness of the	1	THE WITNESS: No. I don't work on the	1	marked as Exhibit 1040 yesterday?
4 instruct the witness not to answer that. 5 source code that you had reviewed? 6 MR. PAK: Same objections. 7 THE WITNESS: No. 8 BY MR. KAPLAN: 9 Q Was it based on documents that you had or reviewed? 10 reviewed? 11 MR. PAK: Same objections. 12 THIE WITNESS: No. 13 BY MR. KAPLAN: 14 Q Just one last question. 15 The last sentence of the paragraph that we of a time thin the strain of a time the witness in reveals the contents of a time thin only in the strain of a time the witness in the waste in the witness of the strain of the witness. 16 Were referring to reads: 17 "It sounds like the queue is a similar fish and witness of a time the witness in the waste in the waste of the paragraph that we of the witness in the waste in the waste in the waste of a time witness of a time witness in the waste in the waste of the witness in the waste in the waste in the waste of the witness in the waste in the waste in the waste of the waste of the witness in the waste in the waste in the waste of a time waste in the waste of the waste of the waste of the waste of a time waste in the waste of the waste of the waste of the waste of a time waste in the waste of the waste of the waste of the waste of a time waste in the waste of the waste of the waste of a time waste in the wast	2	receiver.	2	MR. KAPLAN: I'm going to object as it calls
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6 MR. PAK: Same objections. 7 THE WITNESS: No. 8 PY MR. KAPLAN: 9 Q Was it based on documents that you had 10 reviewed? 11 MR. PAK: Same objections. 12 THE WITNESS: No. 13 BY MR. KAPLAN: 14 Q Just one list question. 15 The last sentence of the paragraph that we 01:53:14 downward against flaky network. No turnly be against flaky networks, but may be against flaky networks, but may be against flaky networks, but may be 20 retained for too long if the receiver 01:53:25 tin figure the correct signal. 15 THE WITNESS: Yes, I see that. 16 BY MR. FAPLAN: 17 WIR. KAPLAN: 18 intentionally retained to guard against flaky networks, but may be 30 gainst flaky networks and underward of the wines. 20 Father Witness in specific flaky network flaky networks and underward flaky networks and	4	Q When you wrote the e-mail, was it based on	4	instruct the witness not to answer that.
THE WITNESS: No. 8 BY MR. KAPLAN: 8 MR. KAPLAN: 9 Q Was it based on documents that you had 10 reviewed? 101:53:09 101 mR. PAK: Sume objections. 11 mever referring to reads: 12 answer that question is going to be don't 101:55:20 11 mever referring to reads: 12 answer that question because it reveals the contents 13 method as the property of the paragraph that we 101:53:14 15 whether the witness has looked at this document. 101:55:35 16 were referring to reads: 16 method as pagainst flaky networks, but may be retained for too long if the receiver of 1:53:25 12 isn't given the correct signal." 17 method in the pagainst flaky networks, but may be retained for too long if the receiver of 1:53:25 12 isn't given the correct signal." 18 py MR. FAK: Same objections. Calls for 24 speculation. 19 page 125 19 method in the page 125 19 page 126 19 method in the page 126 19 met	5	source code that you had reviewed? 01:53:02	5	BY MR. PAK: 01:55:09
8 BY MR. KAPLAN: 9 Q Was it based on documents that you had 0 reviewed? 11 MR. PAK: Same objections. 12 THE WTINESS: No. 13 BY MR. KAPLAN: 14 Q Just one last question. 15 The last sentence of the paragraph that we 01:53:14 of were referring to reads: 16 were referring to reads: 17 "It sounds like the queue is against flaky networks, but may be against flaky networks, but may be retained for too long if the receiver 01:53:25 one special time time and provided and the receiver of 15:33:33 page 125 18 BY MR. KAPLAN: 19 Q Just one last question. 19 against flaky networks, but may be retained for too long if the receiver 01:53:25 one special time time the correct signal." 20 Do you see that? 21 Do you see that? 22 Do you see that? 23 MR. PAK: Same objections. Calls for 4 speculation. 24 BW MR. KAPLAN: Pass the winess. 25 THE WTINESS: Yes, I see that. 26 Q Was the queue retained at the receiver at the 1 time you wrote that? 27 MR. KAPLAN: Do this semail refresh your recollection? 28 WR. FAK: Let me see if I want to redirect 1 time you wrote that? 29 Q Was the queue retained at the receiver at the 1 time you wrote that? 29 Q Was the queue retained to the receiver at the 1 time you wrote that? 29 Q Was the queue retained to the receiver at the 1 time you wrote that? 29 Q So during any of these breaks, have you 1 talked to Mr. Marc Kaplan? 29 G Dd you talk to anyone else? 30 Did you talk to anyone else? 31 Did you can ask it in a way that would not reveal 01:56:28 of which was the first time you looked at this document? 31 Q Dd you talk about any of the substance of 2 Q Dd your talk about any of the substance of 2 Q Dd your talk about any of the substance of 2 Q Dd your talk about any of the substance of 2 Q Dd your task may the Libbie or Marc? 32 Q Dd your testimony here today? 33 Labbie DiMarco. 44 A No. 55 Q Have you been shown this specific e-mail 01:54:54 25 we prepared the witness in preparation for 01:56:58 21 the deposition is washther or not they were shown 2 year praced the witness with in a different way, I	6	MR. PAK: Same objections.	6	Q It's just a yes or no question. Have you
9 Q Was it based on documents that you had 10 reviewed? 11 MR. PAK: Same objections. 12 THE WITNESS: No. 13 BY MR. KAPLAN: 14 Q Just one last question. 15 The last sentence of the paragraph that we 01:53:14 of attorney-client privileged communications. 16 were referring to reads: 17 "It sounds like the queue is intentionally retained to guard against flaky networks, but may be result flower of the receiver of 1:53:25 or retained for too long if the receiver of 1:53:25 or retained for too long if the receiver of 1:53:25 or retained for too long if the receiver of 1:53:25 or retained for too long if the receiver of 1:53:33 or attempt of the witness has looked at this document. Of 1:55:37 or MR. KAPLAN: Because with word show the contents of an attorney-client communication between of 1:54:54 or retained for too long if the receiver of 1:53:25 or retained for too long if the receiver of 1:53:	7	THE WITNESS: No.	7	seen this document marked as Exhibit 1040 yesterday?
10 reviewed?	8	BY MR. KAPLAN:	8	MR. KAPLAN: Yeah, it sounds like you're
11 MR. PAK: Same objections.	9	Q Was it based on documents that you had	9	asking for preparation materials, and so the
12 THE WITNESS: No. 13 BY MR. KAPLAN: 14 Q. Just one last question. 15 The last sentence of the paragraph that we 01:53:14 (6 were referring to reads: 16 were referring to reads: 17 "It sounds like the queue is intentionally retained to guard against flaky networks, but may be 20 retained for too long if the receiver 01:53:25 21 isn't given the correct signal." 22 Do you see that? 23 MR. PAK: Same objections. Calls for 24 speculation. 25 THE WITNESS: Yes, I see that. 01:53:33 Page 126 7 THE WITNESS: Yes, I see that. 01:53:33 Page 126 7 THE WITNESS: Did this e-mail refresh my 24 recellection? 26 WR. KAPLAN: 20 Q was the queue retained at the receiver at the 3 time you wrote that? 27 MR. RAPLAN: 20 Q Was the queue retained at the receiver at the 3 time you wrote that? 28 MR. PAK: Same objection. 01:53:43 5 THE WITNESS: No, it was not. 01:53:43 5 MR. RAPLAN: Can you rephrase that in a way 01:56:08 6 MR. KAPLAN: Pass the witness. 01:53:43 6 MR. RAPLAN: Pass the witness. 01:53:43 10 WR. PAK: Let me see if I want to redirect 8 here. 09 With MR. PAK: Let me see if I want to redirect 8 here. 10 Q. So during any of these breaks, have you 12 BYM. PAK: 13 alked to Mr. Marc Kaplan? 14 A Yes. 15 Q. Did you talk to anyone else? 01:54:13 16 A Libbie. 17 Q. Do you is that Libbie DiMarco? 18 A Libbie DiMarco? 19 Q. Did you talk about any of the substance of 20 you trestimony here today? 19 Q. Did you talk bound any of the substance of 20 pour testimony here today with Libbie or Marc? 01:54:38 12 Him in answer the question is whether or not they were shown 21 thin answer the question is whether or not they were shown 22 thin masswer that question. 24 thin answer the proper question here for 25 wor testimony here today? 24 thin answer the question is whether or not they were shown 25 thin and different way, I	10	reviewed? 01:53:09	10	answer the instruction is going to be don't 01:55:20
13 BY MR. KAPLAN: 13 of attorney-client privileged communications. 14 MR. PAK: It's a yes or no question as to 15 Were referring to reads: 15 Whether the witness has looked at this document. 01:55:35 16 Were referring to reads: 16 Were referring to reads: 17 The last sentence of the paragraph that we 01:53:14 18 were referring to reads: 18 intentionally retained to guard 18 against flaky networks, but may be 19 against flaky networks, but may be 19 coursel and the witness. 18 contents of an attorney-client communication between 19 coursel and the witness. 16 KAPLAN: Because it would show the 19 coursel and the witness. 19 coursel and the witness. 15 SMF NAF. 18 Contents of an attorney-client communication between 19 coursel and the witness. 19 WM. RAPK: Same objections. Calls for 22 MR. KAPLAN: Pou can answer that question. 23 THE WITNESS: Yes, I see that. 01:53:33 Page 126 25 WMR. KAPLAN: 24 recollection? 25 THE WITNESS: Yes, I see that. 01:53:33 Page 126 26 Was the queue retained at the receiver at the 28 time you wrote that? 29 Was the queue retained at the receiver at the 29 Was the queue retained at the receiver at the 20 Was the queue retained at the receiver at the 20 Was the queue retained at the receiver at the 21 BY MR. FAK: 22 Q Let me rephrase. 3 Did this e-mail refresh your recollection 4 yesterday? 3 Did this e-mail refresh your recollection 4 yesterday? 5 MR. KAPLAN: Pass the witness. 6 that, you know, isn't revealing attorney-client 7 communications. 18 WMR. PAK: 18 WMR. PAK: 18 WMR. PAK: 19 WMR. PAK: 19 WMR. PAK: 19 WMR. PAK: 19 WMR. PAK: 11 attorney-client communications. 19 WMR.	11	MR. PAK: Same objections.	11	reveal the instruction is going to be don't
14	12	THE WITNESS: No.	12	answer that question because it reveals the contents
The last sentence of the paragraph that we of 1:53:14 to whether the witness has looked at this document. 01:55:35 to whether the witness has looked at this document. 01:55:35 to this over referring to reads: 15 to 18 s ayes or no. How is that privileged? 18 intentionally retained to guard against flaky networks, but may be against flaky networks, but may be retained for too long if the receiver 01:53:25 to 19 you see that? 20 po you see that? 21 joint private flower the correct signal." 22 po you see that? 23 MR. PAK: Same objections. Calls for speculation. 24 speculation. 25 THE WITNESS: Yes, I see that. 01:53:33 page 126 to 19 you work that? 26 Q Was the queue retained at the receiver at the 3 time you work that? 27 the WITNESS: No, it was not. 01:53:43 to 19 you can see if I want to redirect 8 here. 4 MR. PAK: Same objection. 4 yesterday? 4 MR. PAK: Let me see if I want to redirect 8 here. 4 MR. PAK: Let me see if I want to redirect 8 here. 4 Purple of the work of the wo	13		13	of attorney-client privileged communications.
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17 "It sounds like the queue is intentionally retained to guard 18 against flaky networks, but may be 20 retained for too long if the receiver 21:53:25 20 BY MR, PAK: 01:55:47 21 isn't given the correct signal." 21 Q Did this e-mail refresh your recollection? 22 MR, KAPLAN: You can answer that question. 23 THE WITNESS: Ves, I see that. 01:53:33 Page 126 Page 128 Page 12	15		15	whether the witness has looked at this document. 01:55:35
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24 A No. 24 But if you're trying to get at materials that 25 Q Have you been shown this specific e-mail 01:54:54 25 we prepared the witness with in a different way, I	22	Q Did your discussion with Marc or Libbie	22	materials to refresh their recollection. So I'll
25 Q Have you been shown this specific e-mail 01:54:54 25 we prepared the witness with in a different way, I	23	impact or affect your testimony here today?	23	let him answer that question.
	24	A No.	24	But if you're trying to get at materials that
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